

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
Jarrett R. Jenkins,

Plaintiff,

Case 2:15-cv-01361-SJT-AKT

AMENDED COMPLAINT

-against-

Portfolio Recovery Associates, L.L.C.

Defendant,
-----X

TRIAL BY JURY DEMANDED

FILED
IN CLERK'S OFFICE
EASTERN DISTRICT OF NEW YORK

★ MAR 23 2015 ★

Comes now the Plaintiff Jarrett R. Jenkins respectfully submits and alleges as follows: **LONG ISLAND OFFICE**

PARTIES

1. Plaintiff Jarrett R. Jenkins resides at 334 Locust Street, Apt-1, West Hempstead, NY 11552-3044.
2. Defendant Portfolio Recovery Associates, LLC (PRA) is a foreign company under the laws of Delaware and is registered with the Secretary Of State of New York State and has a main office address at 120 Corporate Blvd., Suite-100, Norfolk, VA 23502-4962.
3. Upon information and belief its registered agent is Corporation Service Company, 80 State Street, Albany, NY 12207-2543.

JURISDICTION AND VENUE

4. Jurisdiction of this Court arises under the Telephone Consumer Protection Act (hereinafter "TCPA"), 47 U.S.C. §227 (b)(3) and 28 U.S.C. §1331, 1367, 1441 and 1446.
5. Venue is proper in this district because the cause of action arose in Nassau County which is located in the Eastern District Of New York.
6. Defendant, Portfolio Recovery Associates, LLC (PRA) is a foreign company under the laws of Delaware and is registered with the Secretary Of State of New York State and has a main office address at 120 Corporate Blvd., Suite-100, Norfolk, VA 23502-4962.

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7. Upon information and belief its registered agent is Corporation Service Company, 80 State Street, Albany, NY 12207-2543.

GENERAL ALLEGATIONS

8. On March 21, 2011 at 4:49:25 PM PRA called Plaintiff's wireless phone number **516-841-3132** using ATDS capable equipment without Plaintiff's prior express consent.
9. The call made by the Defendant was made with an automatic telephone dialing system (ATDS) capable equipment to Plaintiff's wireless telephone.
10. The call made to Plaintiff's wireless phone was not for an emergency purpose and was made without the consent, express or otherwise, of the Plaintiff having been given at anytime.
11. The Plaintiff has never had any business with Portfolio at any time.
12. The Plaintiff attempted to mitigate damages by sending Defendant a settlement demand letter but the Defendant declined to mitigate.

COUNT I
TELEPHONE CONSUMER PROTECTION ACT (TCPA) VIOLATIONS

13. Paragraphs 1 through 12 are re-alleged as though fully set forth herein.
14. Plaintiff asserts a violation of 47 U.S.C. §227(b)(1)(A)(iii) as follows:
15. On March 21, 2011 at 4:49:25 PM PRA called Plaintiff's wireless phone number **516-841-3132** using ATDS capable equipment without Plaintiff's prior express consent.

REMEDY SOUGHT


WHEREFORE, Jarrett R. Jenkins prays that the Court enter an order that:

- a. Declares' that the Defendant's conduct violated the TCPA 47 U.S.C. §227;
- b. Awards Plaintiff statutory damages pursuant to 47 U.S.C. §227(b)(3)(B) of \$500;
- c. Awards Plaintiff any fees and costs incurred in this action;
- d. Awards Plaintiff any post-judgment interest as may be allowed under the law;

e. Awards such other and further relief as the Court may deem just and proper.

Respectfully Submitted,

March 20, 2015

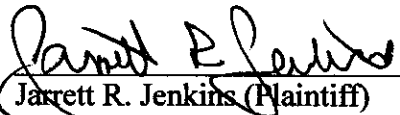

Jarrett R. Jenkins, Plaintiff
334 Locust Street, Apt. 1
West Hempstead, NY 11552-3044
516-841-3132
jrobertjenkins@gmail.com

CERTIFICATE OF SERVICE

March 20, 2015

Jarrett R. Jenkins
334 Locust Street, Apt-1
West Hempstead, NY 11552-3044
jrobertjenkins@gmail.com
516-841-3132

I hereby certify under the penalty of perjury that I served the Defendant with the "Amended Complaint" dated March 20, 2015 in reference to 2:15-cv-01361-SJF-AKT on Matthew B. Johnson of Marshall Dennehey Warner Coleman & Googin who is the Attorney of record for Portfolio Recovery Associates, LLC by USPS Certified Mail (7014 0510 0002 2950 4833) on March 20, 2015 to Wall Street Plaza, 88 Pine Street, 21st Floor, New York, NY 10005.


Jarrett R. Jenkins (Plaintiff)

✓ Keith R Jenkins
PO Box 286
Babylon, NY 11510-0286

7014 0510 0002 2950 4840

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL



7014 0510 0002 2950 4840

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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Pro Se Office
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